

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mingte Chen; Anil Kumar Annadata; Leon Chan
Assignee: Siebel Systems, Inc.
Title: Adaptive Communication Application Programming Interface
Serial No.: 09/823,828 Filed: March 31, 2001
Examiner: Unknown Group Art Unit: 2348
Docket No.: SBL0006US

#11
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PETITIONS OFFICE

Austin, Texas
October 2, 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION FOR REVIVAL UNDER 37 CFR 1.137(f)

Dear Sir:

Applicants respectfully request to renew the petition filed on June 18, 2003 under 37 CFR §1.137(f) to revive the above-referenced application. In the Decision on Petition mailed August 28, 2003, the petition was dismissed for failure to satisfy element (1) of the reply requirement, as restated below:

A petition under 37 CFR §1.137 (f) must be accompanied by:

- (1) the reply, which is met by revocation of the non-publication request and Notice of the filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

Applicant provides the following as evidence that the reply requirement has been satisfied:

- (1) A copy of the Request to Rescind Previous Non-Publication Request filed April 8, 2002; and
- (2) A copy of the Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing, indicating the filing date of the above-identified application as March 29, 2002.

If any fee is required, the United States Patent and Trademark Office is authorized to charge Deposit Account 502306. Any inquiries concerning this matter should be directed to Applicants' attorney shown below at (512) 439-5086.

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Office of Petitions, Fax Number (703) 308-6916 on October 2, 2003.


Attorney for Applicants

10/2/03
Date of Signature

Respectfully submitted,



D'Ann Naylor Rifai
Attorney for Applicants
Reg. No. 47,026
Telephone: (512) 439-5086
Facsimile: (512) 439-5099

PTO/SB/64a (05-03)

Approved for use through xx/xx/200x. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL
FILING (37 CFR 1.137(f))**

Docket Number (Optional)

SBL0006US

First named inventor: **Mingte Chen**Application No.: **09/823,828**Art Unit: **2151**Filed: **March 31, 2001**Examiner: **Unassigned**Title: **Adaptive Communication Application Programming Interface**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

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NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,300.00** (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is **March 29, 2002**.

(Page 1 of 1)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


Signature

PTO/SB/27 (08-00)

REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST 35 U.S.C. 122(b)(2)(B)(ii)	Application Number	09/823,828
	Filing Date	March 31, 2001
	First Named Inventor	Mingle Chen, Anil K. Annadata, Leon Chan
	Title	Adaptive Communication Application Programming Interface
	Atty Docket Number	M-11530 US
	Group Art Unit	2152
	Examiner	Unassigned

I hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

April 8, 2002
Date


D'Ann Naylor
Reg. No. 47,926

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37 CFR 1.213(b) provides for rescinding a previously filed request that an application not be published under 35 U.S.C. 122(b). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents.

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COMMISSIONER FOR PATENTS
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AUG 28 2003

OFFICE OF PETITIONS

In re Application of
Chen, et al.
Application No. 09/823,828
Filed: 31 March, 2001
Attorney Docket No.: SLB0006US

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: DECISION ON PETITION
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This is a decision on the petition filed on 18 June, 2003, to revive the instant nonprovisional application under the provisions of 37 C.F.R. §1.137(f), and considered as a petition under 37 C.F.R. §1.137(b).¹

The petition is **DISMISSED**.

NOTES:

- (1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(f) (a request for relief under 37 C.F.R. §1.137(b)) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should

¹ Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(h) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(e). (Emphasis supplied.)

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include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(f)";

Thereafter, there will be no further reconsideration of this matter.

ANALYSIS

A petition under 37 C.F.R. §1.137(f) must be accompanied by:

- (1) the reply, which is met by revocation of the non-publication request and Notice of the filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition fails to satisfy item (1).²

Further correspondence with respect to this matter should be addressed as follows:

By mail: (Effective 1 May, 2003)³
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 308-6916
ATTN.: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

² See: Form PTO/SB/36, a copy of which is enclosed. Such materials may be found at <http://www.uspto.gov/web/forms/index.html>

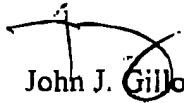
³ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov

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Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.


John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Encl.: Form PTO/SB/36

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